

Appl. No. : 10/789,933  
Filed : February 27, 2004

### REMARKS

Claims 1-62 were pending. With the present Response, Claim 2 is canceled, Claims 44-62 are withdrawn, and Claims 1, 3, 8, 17, 18, 20, 21, 28, 29, 36, and 38 are amended; therefore, Claims 1 and 3-43 remain pending for consideration.

The foregoing amendments and the following remarks are responsive to the September 29, 2005 Office Action. Claims 1 and 3-43 remain pending in the present application, Claims 1, 3, 8, 17, 18, 20, 21, 28, 29, 36, and 38 having been amended, Claim 2 having been canceled, and Claims 44-62 having been withdrawn.

In response to the Office Action mailed September 29, 2005, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### Response to Election/Restriction Requirement

In response to the restriction requirement, Applicants elect Group I (identified by the Examiner as corresponding to Claims 1-43) for prosecution in the present application. This confirms a provisional election made on September 21, 2005. Applicants reserve the right to prosecute the non-elected claims in a future patent application.

#### All Pending Claims Fully Comply With 35 U.S.C. § 112

Claims 17, 18, 20, 21, and 29-35 stand rejected under 35 U.S.C. § 112 second paragraph, the Examiner maintaining that the language therein is indefinite. In particular, the Examiner indicates that these Claims contain terms which lack a sufficient antecedent basis. Claims 17, 18, 20, and 21 have been amended. Additionally, Claim 28 was amended to correct the dependencies of Claims 29-35.

Applicants also submit that the rejected claims fully comply with 35 U.S.C. § 112 second paragraph. Applicants further submit that none of the above amendments made in response to the rejections under 35 U.S.C. § 112 have narrowed the claim language. Rather, all amendments have been made solely to make the claims more easily readable. Thus, all of the equivalents of the original recitations in these claims are also equivalents of the now recited recitations.

#### Fisher Does Not Disclose the Roller Skate Recited By Claim 1

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fisher *et al.* (U.S. Patent No. 6,517,091) ("Fisher"). Applicants respectfully traverse the present

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

rejections. However, to expedite the prosecution of the present application, Applicants have amended Claim 1.

Additionally, while Applicants respectfully disagree with the rejection of Claim 2, Applicants have nonetheless canceled Claim 2 without prejudice or disclaimer in order to expedite issuance of the remaining claims. Applicants have incorporated the subject matter thereof into Claim 1. Thus, the rejection of Claim 1 as being anticipated by Fisher is moot. Applicants submit the rejection of Claim 2 as being anticipated by Fisher now forms the basis for the rejection of amended Claim 1.

Claims 3 and 8 are amended so they no longer depend from presently canceled Claim 2. Applicants submit that these are not narrowing amendments. Applicants reserve the right to pursue the original version of Claims 1-27 through continuation practice.

Fisher discloses a roller skate (Fig. 1, item 20) including a front portion (22) comprising an upper front portion (26) and a lower front portion (28). The roller skate also has a rear portion (24) comprising an upper rear portion (30) and a lower rear portion (32). As can be seen in Figures 4 and 5A of Fisher, an axle (54) enters the side of the roller skate through a hole in the roller skate.

Fisher teaches a slot without an angle relative to vertical. "Because the left and right front wheels (34 and 36) are movable up and down relative to the skate (20), the downward pressure on the front portion (22) of the skate (20) results in a tendency for the left and right front wheels (34 and 36) to move upward relative to the rest of the skate." Fisher, col. 4, lines 16-17.

The Fisher skate does not teach an angled slot whereby a downward change of position of the axles in the slots biases wheels on one side of the skate farther apart. Wheels on the other side of the skate rise upward as axles move to a position correspondingly lower in the slots

Claim 1 now recites, "A roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves."

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

Thus, unlike Fisher, Claim 1 recites a bifurcated chassis wherein at least one axle passes through an angled slot. Accordingly, Fisher does not anticipate amended Claim 1. Therefore, Applicants respectfully request the Examiner withdraw the rejection and pass this claim to allowance.

The Combination of Fisher and Iseman Does Not Make Obvious the Roller Skate Recited By Claim 1

The Examiner rejected Claim 2 as being unpatentable under 35 U.S.C. § 103(a) over Fisher in view of Iseman, (U.S. Patent No. 3,738,673) ("Iseman"). This rejection is made in addition to the rejection of Claim 2 as anticipated by Fisher under 35 U.S.C. § 103(e). Applicants respectfully traverse the present rejection.

While Applicants respectfully disagree with the rejection of Claim 2, Applicants have nonetheless canceled Claim 2 without prejudice or disclaimer in order to expedite issuance of the remaining claims. Applicants have incorporated the subject matter thereof into Claim 1. Applicants submit the rejection of Claim 2 as being unpatentable over Fisher in view of Iseman now forms the basis for the rejection of amended Claim 1. Applicants reserve the right to pursue the original version of Claim 2 through continuation practice.

Fisher teaches an axle in a vertical slot. "Because the left and right front wheels (34 and 36) are movable up and down relative to the skate (20), the downward pressure on the front portion (22) of the skate (20) results in a tendency for the left and right front wheels (34 and 36) to move upward relative to the rest of the skate." Fisher, col. 4, lines 16-17.

The Fisher skate specifically relies on the vertical motion of the axle to allow the wearer of the roller skate to exert pressure on a cantilevered member (48) for the purpose of contacting the skate platform to the ground at the contact portion (60). This allows a wearer of the Fisher skate to push off from a non-rolling end of the skate, as opposed to a traditional start. In operation, a wearer would press downward on the front part of the Fisher skate to contact the ground with the front part of the skate.

Iseman teaches a roller skate wherein axles are positioned through angled slots. As can be seen in Figures 3, 5, 6, 21, 22, and 23 of Iseman, the displacement of the axle allows the wheels to turn, thus steering the roller skate.

**Appl. No.** : **10/789,933**  
**Filed** : **February 27, 2004**

It would not be obvious to adapt the bifurcated body of Fisher to include a wheel mounting system with the angled axle slots of Iseman because the Fisher skate requires vertical slots. Without the vertical slots, the Fisher skate would be unable to lower its front portion to contact the ground.

Moreover, pressing downward on the front portion of the Iseman roller skate instigates a completely different operation: a change in angle of the axis of the axle, resulting in steering of the roller skate. Both the Fisher and Iseman roller skates have entirely different modes of effectuating entirely different operations for the same motion.

Therefore, it would not be obvious to combine Fisher and Iseman to produce a roller skate comprising a bifurcated chassis comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in a side wall of the chassis halves as recited by Claim 1.

Applicants submit that no obvious combination of the Fisher and Iseman references would result in the roller skate recited in Claim 1. Accordingly, Applicant submits that Claim 1 clearly and non-obviously defines over the cited references. Applicants respectfully request the Examiner withdraw the rejection and pass this claim to allowance.

The Combination of Fisher and Iseman Does Not Make Obvious the Roller Skates Recited By Claims 3, 4, 8, 11, 12, 16, 22, and 24

Claims 3, 4, 8, 11, 12, 16, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Iseman. Applicants respectfully traverse the present rejections.

Fisher does not disclose each and every element of claims 3, 4, 8, 11, 12, 16, 22, and 24. Combination with Iseman would not be obvious because Fisher requires vertical slots to allow a user to push off to start operation of the Fisher roller skate. By contrast, Iseman requires angled slots to allow a user to steer the wheels of the Iseman roller skate. It would not have been obvious to combine Fisher and Iseman. Accordingly, Applicants respectfully request the Examiner withdraw the objection and pass these claims to allowance.

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

The Combination of Fisher, Iseman, and Crone Does Not Make Obvious the Roller Skates Recited By Claims 5, 14, and 15

Claims 5, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Iseman in further view of Crone (U.S. Patent No. 2,920,899) ("Crone"). Applicants respectfully traverse the present rejections.

Fisher does not disclose each and every element of Claims 5, 14, and 15. It would not have been obvious to combine Fisher with Iseman. Therefore, it would not have been obvious to combine Fisher and Iseman with Crone. Moreover, neither Iseman nor Crone rectify the failure of Fisher because neither recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves.

Additionally, Crone discloses mounting wheels beneath the chassis of a roller skate. A central member (Fig. 1, 21) is used to vertically stabilize the wheels and absorb shocks. Crone does not disclose the use of a shock absorbing block as in Claim 5, a torsion block between chassis halves as in Claim 14, or a shock absorber with a durometer of at least 35 as in Claim 15 in the context of wheels mounted on axles which enter the sidewalls of the roller skate chassis. The vertical assembly used in Crone is not possible in the roller skate of Fisher because the axles are enclosed by the roller skate chassis, which severely limits the available vertical space for components. As such, it would not have been obvious to combine Crone, which teaches vertical assemblies for the shock absorbing block, torsion block, and shock absorber with Fisher. Accordingly, Applicants respectfully request the Examiner withdraw the rejection and pass these claims to allowance.

The Combination of Fisher and Crone Does Not Make Obvious the Roller Skates Recited By Claims 6 and 7

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Crone. Applicants respectfully traverse the present rejections.

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

Fisher does not disclose each and every element of Claims 6 and 7. Crone does not rectify the failure of Fisher because it does not recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves. Accordingly, the combination of Fisher and Crone does not disclose each and element of Claims 6 and 7. Therefore, the roller skates recited by Claims 6 and 7 are not made obvious by the combination of Fisher and Crone.

Additionally, it would not have been obvious to combine Fisher and Iseman with Crone because Crone attaches a brake pad to the central hub of the rear wheel axis, as seen in Crone, Figure 5. In Crone, the axles, hubs thereof, are located beneath the chassis of the roller skate. The present application discloses axles which extend through at least one side wall of the chassis of the roller skate. Thus, the member to which the aperture illustrated in Crone is attached does not exist in the roller skate in Fisher. Therefore, it would not have been obvious to combine Fisher with Crone. Applicants respectfully request the Examiner withdraw the rejection and pass Claims 6 and 7 to allowance.

The Combination of Fisher, Iseman, and Carrion Does Not Make Obvious the Roller Skates Recited By Claims 9 and 10

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Iseman in further view of Carrion (French Patent No. 1,225,789) ("Carrion"). Applicants respectfully traverse the present rejections.

Fisher does not disclose each and every element of Claims 9 and 10. It would not have been obvious to combine Fisher with Iseman. Therefore, it would not have been obvious to combine Fisher and Iseman with Carrion. Moreover, Applicants submit that the combination of Fisher, Iseman, and Carrion does not disclose each and every element of Claims 9 and 10 because neither Iseman nor Carrion recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves. Therefore, the roller skates recited by Claims 9 and 10 are not made obvious by the combination of Fisher, Iseman, and Crone.

Additionally, Carrion teaches the use of torsion blocks in the context of mounting wheels beneath the roller skate chassis. As can be seen in Carrion Figure 1, the torsion blocks of Carrion are components in a vertical mounting which relies on suppression of vertical movement by elevating the chassis of the roller skate. The additional vertical distance used by the Carrion roller skate allows the torsion blocks to cushion the roller skate. Carrion does not disclose the use of prismatic torsion blocks in an assembly wherein the axles pass through a sidewall of the roller skate chassis.

By contrast, the roller skate disclosed by Fisher includes at least one axle passing through at least one of the chassis halves. Thus, the reduced profile of the Fisher roller skate does not provide the vertical space Dekome requires for its vertical shock absorber. Therefore, it would not have been obvious to combine Fisher with Dekome.

Accordingly, Applicants respectfully request the Examiner withdraw the rejection and pass these claims to allowance.

The Combination of Fisher, Iseman, and Dekome Does Not Make Obvious the Roller Skate Recited By Claim 13

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Iseman in further view of Dekome (U.S. Patent No. 1,933,972) ("Dekome"). Applicants respectfully traverse the present rejections.

Fisher does not disclose each and every element of Claim 13. It would not have been obvious to combine Fisher with Iseman. Therefore, it would not have been obvious to combine Fisher and Iseman with Dekome. Moreover, Iseman and Dekome do not rectify the failure of Fisher, because neither recites a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

chassis halves. Therefore, the roller skate recited by Claim 13 is not made obvious by the combination of Fisher, Iseman, and Dekome.

Additionally, Dekome teaches the use of torsion blocks in the context of mounting wheels beneath the roller skate chassis. As can be seen in Dekome Figure 1, the torsion blocks of Dekome extend a sub-assembly containing the wheel and axle away from the undersurface of the roller skate chassis. The additional vertical distance used by the Dekome roller skate allows the torsion blocks to cushion the roller skate. Dekome does not disclose the use of prismatic torsion blocks in an assembly wherein the axles pass through a sidewall of the roller skate chassis.

By contrast, the roller skate disclosed by Fisher includes at least one axle passing through at least one of the chassis halves. Thus, the reduced profile of the Fisher roller skate does not provide the vertical space Dekome requires for its vertical shock absorber. Therefore, it would not have been obvious to combine Fisher with Dekome. Accordingly, Applicants respectfully request the Examiner withdraw the rejection and pass this claim to allowance.

Miller Does Not Disclose the Roller Skate Recited by Claim 17

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller, the Examiner maintaining that Miller discloses all elements of the claimed invention except for the wheels being about 3 inches in diameter.. Applicants respectfully traverse the present rejection.

Miller discloses a skate comprising a frame for supporting a shoe. Miller does not disclose a bifurcated body.

By contrast, Claim 1 now recites, “A roller skate comprising a bifurcated chassis comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer’s foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in a side wall of the chassis halves.”

Accordingly, Miller does not disclose each and every element of Claim 17. It would not have been obvious to first add the missing elements and further claim the size of the wheels for the roller skate. Therefore, Miller does not make obvious Claim 17. Thus, Applicants respectfully request the Examiner withdraw the rejection and pass this claim to allowance.



**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

Fisher Does Not Make Obvious the Roller Skates Recited by Claims 18, 19, and 26

Claims 18, 19, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher. Applicants respectfully traverse the present rejections.

Fisher does not disclose each and every element of the roller skates recited by Claims 18, 19, and 26. It would not have been obvious to first add the missing elements and further claim the location of the foot platform in Claims 18 and 19 and the foot-retaining wings of Claim 26. Accordingly, Fisher does not make obvious the roller skates recited by these claims. Applicants respectfully request the Examiner withdraw the rejection and pass these claims to allowance.

Fisher Does Not Disclose the Roller Skates Recited By Claims 20 and 27

Claims 20, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fisher. Applicants respectfully traverse the present rejections.

Fisher does not disclose each and every element of the roller skates recited by Claims 20-27 because it does not recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves. Applicants respectfully request the Examiner withdraw the rejection and pass these claims to allowance.

The Combination of Fisher and Tucky Does Not Make Obvious the Roller Skate Recited By Claim 21

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Tucky (U.S. Patent No. 5,398,970) ("Tucky"). Applicants respectfully traverse the present rejection.

Fisher does not disclose each and every element of Claim 21. Tucky does not rectify the failure of Fisher because it does not recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at

**Appl. No.** : **10/789,933**  
**Filed** : **February 27, 2004**

least one of the chassis halves. Accordingly, the combination of Fisher and Tucky does not disclose each and element of Claim 21. Therefore, the roller skate recited by Claim 21 is not made obvious by the combination of Fisher and Tucky.

Additionally, it would not have been obvious to combine Fisher with Tucky. Tucky discloses a shoe for roller skating where the rear axle and wheels are narrower than the front axle and wheels.

By contrast, the roller stake of Fisher comprises a bifurcated chassis which is designed to support a shoe. It would not have been obvious to combine Tucky, which is a shoe, with Fisher, which is a reference which discloses accommodating a shoe. Fisher, adapted to a variety of shoes, does not conform closely with the contour of any given shoe. Accordingly, it would not be obvious to combine Fisher with Tucky for the purpose of better fitting the contour of a user's heel. Applicants respectfully request the Examiner withdraw the rejection and pass Claim 21 to allowance.

The Combination of Fisher and Ware Does Not Make Obvious the Roller Skate Recited By Claim 23

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Ware (U.S. Patent No. 4,058,323) ("Ware"). Applicants respectfully traverse the present rejection.

Fisher does not disclose each and every element of Claim 23. Ware does not rectify the failure of Fisher because it does not recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves. Accordingly, the combination of Fisher and Ware does not disclose each and element of Claim 23. Therefore, the roller skate recited by Claim 23 is not made obvious by the combination of Fisher and Ware. Applicants respectfully request the Examiner withdraw the rejection and pass Claim 23 to allowance.

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

The Combination of Fisher and Goosmann Does Not Make Obvious the Roller Skate Recited By Claim 25

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Goosmann (U.S. Patent No. 2,033,334) ("Goosmann"). Applicants respectfully traverse the present rejection.

Fisher does not disclose each and every element of Claim 25. Goosmann does not rectify the failure of Fisher because it does not recite a roller skate comprising a bifurcated chassis, comprising first and second chassis halves, said first chassis half having an upper surface adapted to support a wearer's foot, a pair of foot-retaining wings mounted on either side of the chassis, and front and rear axles mounted between the first and second chassis halves and configured to support wheels, wherein at least one of the axles extends through at least one angled slot in at least one of the chassis halves. Accordingly, the combination of Fisher and Goosmann does not disclose each and element of Claim 25. Therefore, the roller skate recited by Claim 25 is not made obvious by the combination of Fisher and Goosmann.

Additionally, it would not have been obvious to combine Fisher with Goosmann. Fisher discloses a bifurcated chassis which permits at least one axle to pass through the chassis. By contrast, Goosmann discloses a roller skate with a front wheel mounted to the front of the roller skate chassis. The upwardly curving toe portion of Goosmann is required to accommodate the front-mounted wheel. By contrast, Fisher does not require a large front surface. Because Fisher is designed to allow the user to press downward on the front half of the roller skate to lower the underside of the front half of the roller skate to contact the ground, additional height, such as that disclosed in Goosmann, impedes efficient operation of the Fisher roller skate. If Fisher were combined with Goosmann, the user would have to press harder against the cantilevered member of Fisher to succeed in contacting the ground with the front half of the Fisher roller skate. Therefore, it would not have been obvious to combine Fisher with Goosmann because Goosmann would result in inferior operation of Fisher. Accordingly Applicants respectfully request the Examiner withdraw the rejection and pass Claim 25 to allowance.

Gray Does Not Disclose the Systems Recited By Claims 28-35

Claims 28-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gray (U.S. Patent No. 4,403,784) ("Gray"). Applicants respectfully traverse all present rejections.

**Appl. No.** : **10/789,933**  
**Filed** : **February 27, 2004**

However, to expedite the prosecution of the present application, Applicants have amended Claim 28.

Applicants reserve the right to pursue the original version of Claims 28-35 through continuation practice.

Gray teaches a skate body (10) with forward and rearward suspension housings (16 and 20) connected by a web (18). Further, an axle (40) passes through each housing in an angled slot, as easily seen in Figure 1. Elastomeric members (44a and 44b) resiliently bias the axle towards the bottom of the slot. "The function of the elastomeric members is to apply resilient force against the deflection of the axle (40) but permit limited deflection of the axle relative to the suspension housing (16) in response to shifting weight of the skate user." Col. 3, lines 24-28. Thus, when a turn is executed, one side of the axle is biased to remain in a lower position while the other side rises. Accordingly, turns executed with the Gray skate only result from displacement of one side of the axle.

Gray does not teach a skate where the axles are biased towards a position between the endpoints of the angled slots. Turns executed with such a skate would result from upward displacement of one side of an axle, and corresponding downward displacement from the other side of the axle, allowing both sides of the axle to contribute to steering of the skate.

By contrast, Claim 28 now recites, "A system for mounting wheels on a roller skate comprising a skate body having a top surface, a bottom surface, a front surface, a rear surface and a pair of side surfaces, a front axle extending through the side surfaces at a front portion of the skate body, and a rear axle extending through the side surfaces at a rear portion of the skate body, the front and rear axles being positioned between the top and bottom surfaces of the skate body, wherein at least one of the front and rear axles extend through at least one angled slots in the skate body and at least one of the front and rear axles is resiliently biased to a position between the ends of the at least one slot, and a plurality of wheels rotatably mounted to the axles, wherein the skate is configured to turn in a desired direction as a wearer leans in said direction."

Accordingly, Gray does not anticipate Claim 28. Applicants respectfully request the Examiner withdraw the objection and pass this claim to allowance.

Additionally, Applicants submit that Gray does not disclose each and every element of the systems recited by Claims 29-35. Therefore, Gray does not anticipate Claims 29-35.

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

Accordingly, Applicants respectfully request the Examiner withdraw the rejection of Claims 29-35 and pass these claims to allowance.

Iseman Does Not Disclose the Roller Skates Recited By Claims 36 and 37

Claims 36 and 37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Iseman. Applicants respectfully traverse all present rejections. However, to expedite the prosecution of the present application, Applicants have amended Claim 36.

Applicants reserve the right to pursue the original version of Claims 36 and 37 through continuation practice.

Iseman teaches a roller skate (10) having a body member (19) wherein an axles (25) passes through angled bores (21 and 22) and are resiliently biased by elastomeric (rubber) bushings (50) towards the center of the slots. The axles support the roller skate at the center of the axle, as can be seen in Figures 2, 5, 6, and 8 of Iseman. Thus, the axle in Iseman pivots about its support point.

Iseman does not teach a roller skate wherein the axle supports a skate chassis on both sides of the center of the axle.

By contrast, Claim 36 now recites, "A roller skate comprising a skate chassis comprising an upper surface, a lower surface, and a pair of side surfaces, an axle extending through an angled slot in at least one of said side surfaces of said chassis, said slot having a first end and a second end, and said axle supporting said chassis on both sides of the center of the axle, and a pair of wheels mounted to opposite ends of said axle; and a biasing element adapted to bias the axle toward a position between said ends of said slot."

Thus, Iseman does not anticipate Claim 36. Accordingly, Applicants respectfully request the Examiner withdraw the rejection and pass this claim to allowance.

Additionally, Applicants submit that Iseman does not disclose each and every element of the Roller Skate recited by Claim 37. Thus, Iseman does not anticipate Claim 37. Therefore, Applicants respectfully request the Examiner withdraw the rejection of Claim 36 and pass this claim to allowance.

Miller Does Not Disclose the Roller Skate Recited By Claim 38

Claims 38, 42, and 43 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Miller *et al.* (U.S. Patent No. 6,719,304) ("Miller"). Applicants respectfully traverse the present

**Appl. No.** : 10/789,933  
**Filed** : February 27, 2004

rejections. However, to expedite the prosecution of the present application, Applicants have amended Claim 38.

Applicants reserve the right to pursue the original version of Claims 38-43 through continuation practice.

Miller discloses a skate (10) wherein wheels (12) bolted to the side of a frame (14). The wheels are mounted to the frame with axle bolts (16). The use of axle bolts allows the wheels to support the frame without a complete axle crossing the frame. The Miller skate relies on this construction to permit the user to place a foot into the middle of the frame, where an axle would cross, if the axle bolts were extended to meet each other. See Figures 1, 2, and 3 as exemplary.

Miller does not teach a skate wherein wheels extend, at least in part, above a platform adapted to support a street shoe, wherein the wheels are configured to be steerable by a user.

By contrast, Claim 38 now recites, "A roller skate comprising a platform adapted to support a street shoe, a plurality of wheels straddling the platform wherein tops of said wheels extend above said platform, retaining elements adapted to secure a street shoe on the platform, at least a portion of the street shoe being located between the wheels, and said wheels are configured to be steerable by a user."

Thus, Miller does not anticipate Claim 38. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of Claim 38 and pass this claim to allowance.

Additionally, Miller does not disclose each and every element of the roller skates recited by Claims 42 and 43. Thus, Miller does not anticipate Claims 42 and 43. Therefore, Applicants respectfully request the Examiner withdraw the rejections of Claims 42 and 43 and pass these claims to allowance.

The Combination of Miller and Hayes Does Not Make Obvious the Roller Skates Recited By Claims 39-41

Claims 39-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Hayes (U.S. Patent No. 6,006,450) ("Hayes"). Applicants respectfully traverse the present rejection.

Miller does not disclose each and every element of Claims 39-41. Hayes does not rectify the failure of Miller because it does not recite a roller skate comprising a platform adapted to support a street shoe, a plurality of wheels straddling the platform wherein tops of said wheels

Appl. No. : 10/789,933  
Filed : February 27, 2004

extend above said platform, retaining elements adapted to secure a street shoe on the platform, at least a portion of the street shoe being located between the wheels, and said wheels are configured to be steerable by a user. Accordingly, the combination of Miller and Hayes does not disclose each and element of Claims 39-41. Thus, the roller skates recited by Claims 39-41 are not made obvious by the combination of Miller and Hayes. Therefore, Applicants respectfully request the Examiner withdraw the rejections and pass Claims 39-41 to allowance.

### SUMMARY

For the reasons described above, Applicants respectfully request the Examiner withdraw the rejection of the claims and pass Claims 1-43 to allowance.

The undersigned has made a good faith effort to respond to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/28/06

By: 

James B. Bear  
Registration No. 25,221  
Attorney of Record  
2040 Main St.  
Fourteenth Floor  
Irvine, CA 92614  
Customer No. 20,995  
(949) 760-0404